

Docket No. F-8197

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Masami UEDA, et al.  
Patent No. : 7,323,070  
Issued : January 29, 2008  
Serial No. : 10/811,274  
Filed : March 26, 2004  
For : MARAGING STEEL EXCELLENT IN FATIGUE  
CHARACTERISTICS AND METHOD FOR PRODUCING THE  
SAME  
Customer No. : 000028107

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2008.

Ricardo Unikel  
(Name)

*Ricardo Unikel*  
(Signature)

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 3.81**

Sir:

On May 19, 2008, Applicants filed a Request for Certificate of Correction to correct the names of the Assignees in U.S. Patent No. 7,323,070. The USPTO responded on June 20, 2008 stating that a request under 37 C.F.R. § 3.81(b) is

required to correct the error before the Certificate of Correction can be issued.

Accordingly, the present Petition is being filed.

Applicants hereby petition that issuance of U.S. Patent No. 7,323,070 be made to both of the Assignees of record, namely, Neomax Materials Co., Ltd., and Honda Giken Kogyo Kabushiki Kaisha. Currently, only Neomax Materials Co., Ltd. is listed on the published patent and it is Applicants' request that Honda Giken Kogyo Kabushiki Kaisha also be listed on the published patent as an assignee.

37 C.F.R. § 3.81(b) requires the following:

- (1) A statement that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent;
- (2) A Request for Certificate of Correction Under 37 C.F.R. § 1.323 (with the fee set forth in 37 C.F.R. § 1.20(a)); and
- (3) The processing fee set forth in 37 C.F.R. § 1.17(i).

Regarding (1), when the Issue Fee was paid, only Neomax Materials Co., Ltd. was identified as the assignee and this mistake was inadvertent. Please find attached copies of a Patent Assignment Abstract of Title for each of U.S. Patent No. 7,323,070 and the parent (U.S. Patent No. 6,776,855). The attached copies of the Patent Assignment Abstract of Title documents demonstrate that both Neomax Materials Co., Ltd., and Honda Giken Kogyo Kabushiki Kaisha are the assignees of U.S. Patent No. 7,323,070

and that the assignments were submitted for recordation before the payment of the issue fee.

Regarding (2), the Request for Certificate of Correction Under 37 C.F.R. § 1.323 is attached herewith. The fee has been previously submitted.

Regarding (3), the processing fee set forth in 37 C.F.R. § 1.17(i) is included herewith.

Accordingly, all the requirements of 37 C.F.R. § 3.81(b) have been met and Applicants respectfully request that issuance of U.S. Patent No. 7,323,070 be made to both of the Assignees, namely, Neomax Materials Co., Ltd., and Honda Giken Kogyo Kabushiki Kaisha, and that a Certificate of Correction be issued in this regard.

**The fee of \$130.00 for the petition is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee

Docket No. F-8197

Patent No.: 7,323,070

payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By C. Bruce Hamburg  
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

*B* and,

By Ricardo Unikel  
Ricardo Unikel  
Reg. No. 52,309  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

Enc. Copies of Patent Assignment Abstract of Title documents  
Request for Certificate of Correction Under 37 C.F.R. § 1.323  
Credit Card Payment Form PTO-2038



## Assignments on the Web > Patent Query

### Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.***

#### Total Assignments: 3

Patent #: 6776855

Issue Dt: 08/17/2004

Application #: 09700566

Filing Dt: 11/16/2000

Inventors: Masami Ueda, Kenji Hirano

Title: MARAGING STEEL EXCELLENT IN FATIGUE CHARACTERISTICS AND METHOD FOR PRODUCING THE SAME

#### Assignment: 1

Reel/Frame: 011504/0455

Recorded: 11/16/2000

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: UEDA, MASAMI

Exec Dt: 11/06/2000

HIRANO, KENJI

Exec Dt: 11/06/2000

Assignee: SUMITOMO SPECIAL METALS CO., LTD.

7-19, KITAHAMA 4-CHOME, CHUO-KU

OSAKA-SHI, OSAKA, JAPAN

Correspondent: JORDAN AND HAMBURG LLP

C. BRUCE HAMBURG

122 EAST 42ND STREET

SUITE 4000 CHANIN BUILDING

NEW YORK NEW YORK 10168

#### Assignment: 2

Reel/Frame: 012655/0546

Recorded: 02/26/2002

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: SUMITOMO SPECIAL METALS CO., LTD.

Exec Dt: 01/08/2002

Assignees: HONDA GIKEN KOGYO KABUSHIKI KAISHA

1-1, MINAMI-AOYAMA 2-CHOME, MINATO-KU

TOKYO, JAPAN

SUMITOMO SPECIAL METALS CO., LTD.

7-19, KITAHAMA 4-CHOME, CHUO-KU, OSAKA-SHI

OSAKA, JAPAN

Correspondent: JORDAN AND HAMBURG LLP

C. BRUCE HAMBURG, ESQ.

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CHANIN BLDG., SUITE 4000

NEW YORK, NY 10168

#### Assignment: 3

Reel/Frame: 015569/0919

Recorded: 07/19/2004

Pages: 26

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: SUMITOMO SPECIAL METALS CO., LTD.

Exec Dt: 04/01/2004

Assignee: NEOMAX CO., LTD.

7-19, KITAHAMA 4-CHOME, CHUO-KU

OSAKA-SHI, OSAKA, JAPAN

Correspondent: C. BRUCE HAMBURG, ESQ.

JORDAN AND HAMBURG LLP

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NEW YORK, NEW YORK 10168



## Assignments on the Web > Patent Query

### Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.***

#### Total Assignments: 2

Patent #: [7323070](#)

Issue Dt: 01/29/2008

Application #: 10811274

Filing Dt: 03/26/2004

Publication #: [20070295430](#)

Pub Dt: 12/27/2007

Inventors: Masami Ueda, Kenji Hirano

Title: MARAGING STEEL EXCELLENT IN FATIGUE CHARACTERISTICS AND METHOD FOR PRODUCING THE SAME

#### Assignment: 1

Reel/Frame: [015569/0919](#)

Recorded: 07/19/2004

Pages: 26

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: [SUMITOMO SPECIAL METALS CO., LTD.](#)

Exec Dt: 04/01/2004

Assignee: [NEOMAX CO., LTD.](#)

7-19, KITAHAMA 4-CHOME, CHUO-KU  
OSAKA-SHI, OSAKA, JAPAN

Correspondent: C. BRUCE HAMBURG, ESQ.

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NEW YORK, NEW YORK 10168

#### Assignment: 2

Reel/Frame: [016400/0617](#)

Recorded: 03/29/2005

Pages: 2

Conveyance: CHANGE OF NAME AND CHANGE OF ADDRESS

Assignor: [NEOMAX CO., LTD.](#)

Exec Dt: 10/01/2004

Assignee: [NEOMAX MATERIALS CO., LTD.](#)

19-1, MINAMISUITA 2-CHOME  
SUITA-SHI, OSAKA 564-0043, JAPAN

Correspondent: JORDAN AND HAMBURG LLP

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Search Results as of: 05/19/2008 10:07 AM  
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1  
Web interface last modified: April 20, 2007 v.2.0.1

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Ricardo Unikel  
(Name)

*Ricardo Unikel*  
(Signature)

CERTIFICATE OF CORRECTION BRANCH

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF  
CORRECTION UNDER 37 C.F.R. § 1.323

Sir:

Applicants respectfully request that the Director issue a certificate of correction under 37 C.F.R. § 1.323 pursuant to 35 U.S.C. § 255 to correct a mistake in the above-identified patent, incurred due to an error in Applicants' filing.

When the Issue Fee was paid to obtain issuance of U.S. Patent No. 7,323,070, the assignee was identified as Neomax Materials Co., Ltd. located in Osaka, Japan. However, the records of the USPTO include a second assignee, namely, Honda Giken Kogyo Kabushiki Kaisha, located in Tokyo, Japan.

It is respectfully requested that U.S. Patent No. 7,323,070 be corrected as shown in the attached Certificate of Correction to also list the second assignee.

The fee of \$100.00 as set forth under 37 CFR §1.20(a) for execution of this request has been paid already and is no longer required.



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Patent No.: 7,323,070

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By C. Bruce Hamburg  
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

B and,

By Ricardo Unikel  
Ricardo Unikel  
Reg. No. 52,309  
Attorney for Applicants

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UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

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PATENT NO. : 7,323,070

APPLICATION NO.: 10/811,274

DATED : January 29, 2008

INVENTOR(S) : Masami UEDA, et al.

It is certified that error appears in the above-identified patent and that said Letters  
Patent is hereby corrected as shown below:

Title page.

Item (73), Assignee, add --Honda Giken Kogyo Kabushiki Kaisha, Tokyo (JP)--.

MAILING ADDRESS OF SENDER:  
Jordan and Hamburg LLP  
122 East 42nd Street  
New York, NY 10168